

The President's Message.

Fellow citizens of the Senate and House of Representatives:

The continued disorganization of the Union to which the President has so often called the attention of Congress, is yet a subject of profound and patriotic concern. We may, however, find some relief from that anxiety in the reflection that the painful political situation, although before us, is not new in the experience of nations. Political science, perhaps as highly perfected to our own time and country as in any other, has not yet discovered any means by which civil war can be absolutely prevented. An enlightened nation, however, with a wise and beneficent constitution of free government, may diminish their frequency and mitigate their severity by directing all its proceedings in accordance with its fundamental law.

RECONSTRUCTION.

When civil war has been brought to a close it is necessary to repair the injury which war has inflicted, and to secure the benefit of the lessons it teaches. This duty was, upon the termination of the rebellion, promptly accepted, not only by the Executive, but by the States themselves. States themselves, and restoration in the first moment of peace was believed to be as easy and certain as it was indispensable.

Expectations, however, though so reasonably and confidently entertained, were disappointed by legislation from which I felt constrained by my obligations to my constituents to withhold my assent. It is, therefore, with profound regret that in complying with the obligation imposed upon the President by the constitution to give to Congress, from time to time, information of the state of the Union, I am unable to do so without expressing my just and justifiable dissatisfaction to the American people on the questions which, since the close of the rebellion, have agitated the public mind.

DEFENSE OF HIS VICTORIES.

On the contrary, candor compels me to declare that at this time there is no Union as our fathers understood that term, and as they meant it to be understood by us. The Union which they established can exist only where all the States are bound to obey the laws of Congress—where one State is as free as another to regulate its internal concerns according to its own will; and where laws of the controlling government are strictly confined to matters of national concern, and not applied with equal force to all people in every section.

That such is not the present state of the Union is a melancholy fact, and all must acknowledge that the restoration of the States to their proper legal relations with the Federal Government, and with one another, according to the terms of the original compact, would be the greatest temporal blessing which could befall this nation. It becomes our imperative duty to consider whether or not it is impossible to effect this most desirable consummation.

The Union and Constitution are inseparable; as long as one is obeyed by all parties the other will be preserved, and if one is destroyed both must perish together. The destruction of the Constitution will be the destruction of the Union, and still greater calamities. It was ordained not only to form a more perfect union between States, but to establish justice, insure domestic tranquility, provide for common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. Nothing but implicit obedience to its requirements in all parts of the country will accomplish these great ends. Without the obedience of the States to the laws of the Union, the Union is a mere name, and the rights of the States are a mere fiction. It was ordained not only to form a more perfect union between States, but to establish justice, insure domestic tranquility, provide for common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. Nothing but implicit obedience to its requirements in all parts of the country will accomplish these great ends. Without the obedience of the States to the laws of the Union, the Union is a mere name, and the rights of the States are a mere fiction.

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It cannot be that a successful war waged for the preservation of the Union had the legal effect of dissolving it. The victory of the nation's arms was not a dissolution of her polity. The defeat of secession on the battle field was not a triumph of its lawless principles. Nor could Congress, with or without the consent of the Executive, do anything which would have the effect, directly or indirectly, of separating the States from each other.

To dissolve the Union is to repeal the constitution which holds it together, and that is a power which does not belong to any department of this Government, or to all of them united. This is so plain that it has been acknowledged in all branches of the Federal Government. The Executive, (my predecessor, as well as myself), and the heads of all the departments have uniformly acted upon the principle that the Union is not only undissolved, but indissoluble.

Congress submitted an amendment of the constitution to be ratified by the Southern States, and accepted their acts of ratification as a necessary and lawful exercise of their highest functions. If they were not States, or were States without the right to consent to a change in the fundamental law of the Union would have been nugatory, and Congress, in asking it, committed a political absurdity.

The Judiciary has also given the solemn sanction of its authority to the same view of the case. The Judges of the Supreme Court have included Southern States in their circuits, and they are constantly exercising there and elsewhere, jurisdiction that belongs to them, unless those States belong to the Union. The Southern States are component parts of the Union, and the constitution is the supreme law for them, as it is for all other States. It is not for them to question the right of the Federal Government, which is clear and unquestionable, to enforce the constitution upon them, implies a correlative obligation on our part to observe its limitations and execute its provisions.

Without the constitution we are nothing, but through and under the constitution we are what it makes us. We may doubt the wisdom of law, we may not approve of its provisions, but we must not violate it. It is not for us to question the right of the Federal Government, which is clear and unquestionable, to enforce the constitution upon them, implies a correlative obligation on our part to observe its limitations and execute its provisions.

Constitutional duty not only requires these States to be restored, but there is another consideration which, though of minor importance, is nevertheless of great weight. On the 22d of July, 1861, Congress declared by an almost unanimous vote of both houses, that the war should be conducted solely for the purpose of restoring the Union, and maintaining the supremacy of the Federal constitution and laws, without impairing the dignity, equality, and rights of the States or individuals, and that when this was done the war should cease.

I do not say that this declaration is personally binding on those who joined in making it any more than individual members of Congress are personally bound by the declaration. It is a solemn public official pledge of national honor, and I cannot imagine upon what grounds repudiation of it is to be justified. If it be said that the Union is now a mere name, and the rights of the States are a mere fiction, it is to be remembered that this promise was not made to rebels only. Thousands of true men in the South were drawn to our standard by it, and hundreds of thousands in the North gave their lives and property to its cause. It was carried out. It was made the day after the first great battle of the war had been fought and lost. All patriotic and intelligent men then saw the necessity of giving such an assurance to the Union, and the war was carried out. It was made the day after the first great battle of the war had been fought and lost. All patriotic and intelligent men then saw the necessity of giving such an assurance to the Union, and the war was carried out.

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crime the enemies of free government in all ages have worked out their designs against public liberty and private rights. It leads directly and immediately to the establishment of absolute rule, for undelimited power is always unlimited and unrestrained. The acts of Congress in question are not only objectionable for their assumption of ungranted power, but many of their provisions are in conflict with the direct prohibitions of the constitution.

The constitution commands that a republican form of government shall be guaranteed to all States; that no person shall be deprived of life, liberty, or property without due process of law, arrested without a judicial warrant, or punished without a fair trial before an impartial jury; that the privilege of the writ of *habeas corpus* shall not be suspended, and that no bill of attainder shall be passed, even against a single individual. Yet the system of measures established by these acts of Congress does totally subvert and destroy all these rights.

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us to save them from themselves. But, under the circumstances, this is only a speculative point. It is not proposed merely that they shall govern themselves, but that they shall rule the white race, make and administer State laws, elect Presidents and members of Congress, and shape to a greater or less extent the future destiny of the whole country.

Would such a trust and power be safe in such hands? The peculiar qualities which should characterize any people who are fit to decide upon the management of public affairs for a great State, have seldom been combined. It is the glory of white men to know that they had these qualities in sufficient measure to build upon this continent a political fabric, and to preserve its stability by the wisdom and courage of its rulers. It is the glory of white men to know that they had these qualities in sufficient measure to build upon this continent a political fabric, and to preserve its stability by the wisdom and courage of its rulers.

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maintained, and order brought out of confusion. To accomplish these ends would require all the wisdom and courage of the great men who framed our institutions originally, and I confidently believe that their descendants will be equal to the arduous task before them, but it is worse than madness to expect that the negroes will perform it for us. Certainly we ought not to ask their assistance until we despair of our own competency.

The great difference between the two races in physical, mental and moral characteristics, will prevent an amalgamation or fusion of them together in one homogeneous mass. If the inferior obtains ascendancy over the other, it will govern with reference only to its own interests, for it will recognize no common sense, and make such a tyrannical rule as this continent has never yet witnessed. Already negroes are influenced by promises of confiscation and plunder. They are taught to regard as an enemy every white man who has any respect for the rights of his own race. If this continues it must become worse and worse until all order will be subverted, all industry cease, and the fertile fields of the South grow up into a wilderness.

Congress submitted an amendment of the constitution to be ratified by the Southern States, and accepted their acts of ratification as a necessary and lawful exercise of their highest functions. If they were not States, or were States without the right to consent to a change in the fundamental law of the Union would have been nugatory, and Congress, in asking it, committed a political absurdity.

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gress, is a very serious and important question on which I have deliberated much, and felt extremely anxious to reach a proper conclusion. Where an act has been passed according to the forms of the Constitution by the supreme legislative authority of the country, Executive resistance to it, especially in times of high party excitement, would be likely to produce a violent collision between the respective adherents of the two branches of the government. This would be simply civil war, and civil war must be resisted only as the last remedy for the worst of evils. Whatever might tend to provoke it should be most carefully avoided.

A faithful and conscientious magistrate will concede very much to honest error, and something even to perverse malice, before he will endanger the public peace, and make such a tyrannical rule as this continent has never yet witnessed. Already negroes are influenced by promises of confiscation and plunder. They are taught to regard as an enemy every white man who has any respect for the rights of his own race. If this continues it must become worse and worse until all order will be subverted, all industry cease, and the fertile fields of the South grow up into a wilderness.

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made out? Will it be inferred from acts unconnected with public duty, from private history, or from general reputation; or must the President await the commission of an actual misdemeanor in office. Shall he, in the meantime, risk the character and interest of the nation in the hands of men to whom he cannot give his confidence; must he forebear his complaint until mischief is done and cannot be prevented. If his zeal for the public service should impel him to anticipate overt acts, must he move at peril of being tried himself for the offense of slandering his subordinate?

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Without the constitution we are nothing, but through and under the constitution we are what it makes us. We may doubt the wisdom of law, we may not approve of its provisions, but we must not violate it. It is not for us to question the right of the Federal Government, which is clear and unquestionable, to enforce the constitution upon them, implies a correlative obligation on our part to observe its limitations and execute its provisions.

Constitutional duty not only requires these States to be restored, but there is another consideration which, though of minor importance, is nevertheless of great weight. On the 22d of July, 1861, Congress declared by an almost unanimous vote of both houses, that the war should be conducted solely for the purpose of restoring the Union, and maintaining the supremacy of the Federal constitution and laws, without impairing the dignity, equality, and rights of the States or individuals, and that when this was done the war should cease.

I do not say that this declaration is personally binding on those who joined in making it any more than individual members of Congress are personally bound by the declaration. It is a solemn public official pledge of national honor, and I cannot imagine upon what grounds repudiation of it is to be justified. If it be said that the Union is now a mere name, and the rights of the States are a mere fiction, it is to be remembered that this promise was not made to rebels only. Thousands of true men in the South were drawn to our standard by it, and hundreds of thousands in the North gave their lives and property to its cause. It was carried out. It was made the day after the first great battle of the war had been fought and lost. All patriotic and intelligent men then saw the necessity of giving such an assurance to the Union, and the war was carried out.

It is not only to form a more perfect union between States, but to establish justice, insure domestic tranquility, provide for common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. Nothing but implicit obedience to its requirements in all parts of the country will accomplish these great ends. Without the obedience of the States to the laws of the Union, the Union is a mere name, and the rights of the States are a mere fiction.

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notes of national banks, which are made receivable for all debts to Government, but excluding imports, and by all its creditors, except in payment of interest upon its bonds and securities. Second, legal tender note, issued by the United States, and which the law requires shall be received as well in payment of all debts, except debts of import; and third, gold and silver coin.

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